

HOUSE No. 1751

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, March 21, 1938.

The committee on the Judiciary, to whom was referred the petition (accompanied by bill, House, No. 398) of Frederick A. Gaskins and others (selectmen and town counsel) relative to the time within which petitions may be filed in the Superior Court by mortgagees for assessment of damages in connection with property taken by eminent domain, report the accompanying bill (House, No. 1751).

For the committee,

JOHN T. COMERFORD.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-Eight.

AN ACT ESTABLISHING THE TIME WITHIN WHICH PETITIONS MAY BE FILED BY MORTGAGEES FOR THE ASSESSMENT OF DAMAGES IN CONNECTION WITH PROPERTY TAKEN BY EMINENT DOMAIN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section sixteen of chapter seventy-nine of the
2 General Laws, as most recently amended by section
3 two of chapter one hundred and eighty-seven of the
4 acts of nineteen hundred and thirty-six, is hereby
5 further amended by inserting after the word "person"
6 in the third line the words: — , including every mort-
7 gagee of record, — and by striking out, in the tenth
8 to the fourteenth lines, inclusive, the words " ; pro-
9 vided, that a mortgagee of record of any such prop-
10 erty who has not received notice as aforesaid may
11 file such petition within six months from the time of
12 receiving actual notice", — so as to read as follows:
13 — *Section 16.* A petition for the assessment of dam-
14 ages under section fourteen may be filed within one
15 year after the right to such damages has vested; but
16 any person, including every mortgagee of record,
17 whose property has been taken or injured, and who
18 has not received notice under section eight or other-

19 wise of the proceedings whereby he is entitled to
20 damages at least sixty days before the expiration of
21 such year, may file such petition within six months
22 from the time when possession of his property has
23 been taken or he has otherwise suffered actual injury
24 in his property.

This is the first volume of the history of the
 American people, and it is written in a style
 which is both interesting and instructive.
 It is a work which every citizen should
 read, and it is one which will be
 found in every library.